S.B.CRIMINAL MISC. IInd BAIL APPL.NO.5797/2006

(Gurjant Singh vs. State of Rajasthan)

DATE OF ORDER : January 05, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.S.L.Jain, for the petitioner.

Mr.Rameshwar Dave, Public Prosecutor for State.

Mr.H.S.Sandhu, for the complainant.

This is second application seeking interim bail under section 438 Cr.P.C.

Heard learned counsel for the petitioner and the Public Prosecutor for the State assisted by the counsel for the complainant.

The first bail application filed by the petitioner came to be dismissed by this Court vide order dt. 15.9.2005 as it was not pressed by the counsel for the petitioner on the ground that the learned Public Prosecutor submitted that the original will is required to be recovered from the present petitioner.

Learned Public Prosecutor has received the case diary.

From the perusal of the case diary, it appears that the original will is said to have been executed in favour of Mohar Singh and the petitioner was not in power and possession of the will, however, he is attesting witness. Mohar Singh has been granted bail.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Gurjant Singh s/o Gurudev Singh in FIR No.330/2001, Police Station, Suratgarh, Distt. Sri Ganganagar, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-